

**IN THE DRAWINGS:**

Please amend the drawings as follows.

The attached replacement sheet of drawings includes changes to Figure 6. The replacement sheet, which includes Figure 4 and Figure 6, replaces the original sheet including Figure 4 and Figure 6. In Figure 6, an error in the labeling of element 102 has been corrected.

### **REMARKS**

Claims 1-24 were pending in the application. Claims 22-24 have been cancelled. Claims 1-7, 9, 11-16, and 20-21 have been amended. Claims 25-27 have been added. Accordingly, claims 1-21 and 25-27 are pending in the application.

The Examiner also objected to the title of the invention as being non-descriptive. Therefore, the title of the invention has been amended to be clearly indicative of the claimed invention.

The Examiner objected to claims 1-4, 11-16, and 24. Claim 24 has been cancelled, therefore the objection of claim 24 is now moot. Also, applicant has amended claims 1-4 and 11-16 to overcome this objection.

Support for amended independent claims 1 and 12, and for new claim 25 may be found, for example, on pages 12-14 of the disclosure and Figures 6 and 7A. Also, support for amended claims 2 and 13, and for new claim 26 may be found, for example, on page 12. In addition, support for amended claims 11 and 21, and for new claim 27 may be found, for example, on page 18.

### **35 U.S.C. § 112 rejections**

Claims 1-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-24 have been cancelled, therefore the 35 U.S.C. 112 rejection of claims 22-24 is now moot. Also, Applicant respectfully submits that the amendments to claims 1-21 overcome the 35 U.S.C. 112 rejections.

### **35 U.S.C. § 103 Rejections**

Claims 1-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over McGauley et al. (U.S. Patent No. 5,899,998) in view of Eichinger et al. (U.S. Patent No. 6,370,374).

Applicant respectfully requests the examination of new claims 25-27.

Applicant respectfully submits that McGauley and Eichinger, whether alone or combined, fail to teach or suggest “a read/write register, wherein said processing unit is operable to write said network identity read from said portable data carrier into said read/write register; and a register flag operatively associated with said read/write register, wherein said processing unit is operable to set said register flag when said network identity is read from said portable data carrier; wherein said processing unit is operable to determine whether said register flag is set and to use said network identity for communicating via said communications network if said register flag is set, wherein if said register flag is not set said processing unit being operable to determine whether said portable data carrier is present in said data carrier reader, wherein if said portable data carrier is present in said data carrier reader said network identity is read from said portable data carrier for communicating via the communications network, said network identity is stored in said read/write register, and said register flag is set, wherein if said portable data carrier is absent from said data carrier reader said processing unit is operable to prevent access to the communications network” as recited in amended claim 1.

In accordance, independent claim 1 is believed to patentably distinguish over McGauley and Eichinger, whether alone or combined. Claims 2-11 depend on claim 1 and are therefore believed to patentably distinguish over McGauley and Eichinger, whether alone or combined, for the same reasons.

Likewise, new independent claim 25 recites features similar to those highlighted above with regard to independent claim 1 and are therefore believed to patentably distinguish over McGauley

and Eichinger, whether alone or combined, for at least the reasons given above. Claims 26 and 27 depend on claim 25 and are therefore believed to patentably distinguish over McGauley and Eichinger, whether alone or combined, for the same reasons.

Additionally, Applicant respectfully submits that McGauley and Eichinger, whether alone or combined, fail to teach or suggest “determining whether the register flag is set; if the register flag is set, reading the network identity from the read/write register for communicating via the communications network; and if the register flag is not set, determining whether the data carrier is present in the data carrier reader, wherein if the data carrier is present in the data carrier reader the network identity is read from the data carrier for communicating via the communications network, the network identity is stored in the read/write register, and the register flag is set, wherein if the data carrier is absent from the data carrier reader access to the communications network is prevented” as recited in amended claim 12.


In accordance, independent claim 12 is believed to patentably distinguish over McGauley and Eichinger, whether alone or combined. Claims 13-21 depend on claim 12 and are therefore believed to patentably distinguish over McGauley and Eichinger, whether alone or combined, for the same reasons.

## CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-80002/BNK.

Respectfully submitted,



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